



Paper No. 7

UNITED STATES SURGICAL CORP  
150 GLOVER AVENUE  
NORWALK CT 06856

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MAY 24 2001

In re Application of  
Mastri, et al.  
Application No. 09/625,886  
Filed: July 26, 2000  
Attorney Docket No. 1695 CIP CON

OFFICE OF PETITIONS  
A/C PATENTS  
DECISION ON PETITION

This is a decision on the petition filed on May 11, 2001, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely pay the issue fee as required by the Notice of Allowance, mailed September 26, 2000. This Notice set a statutory period of three (3) months from the mailing date of the notice for fee transmittal. The three-month statutory period for paying issue fees cannot be extended. No issue fee having been received, the above-identified application became abandoned on December 27, 2000. A Notice of Abandonment was mailed on February 13, 2001.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The instant petition lacks item (1), the required reply.

Although petitioner did file a Request for Continued Examination (RCE) together with the RCE fee and an amendment, **petitioner has failed to submit the issue fee** as required by the Notice of Allowance. Whenever a case becomes abandoned for failure to pay the issue fee, the issue fee must be part of any reply.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

Further correspondence with respect to this decision should be

addressed as follows:

By mail:            Commissioner for Patents  
                  Box DAC  
                  Washington, D.C. 20231

By FAX:            (703) 308-6916  
                  Attn: Office of Petitions

By hand:           Office of Petitions  
                  2201 South Clark Place  
                  Crystal Plaza 4, Suite 3C23  
                  Arlington, VA 22202

Telephone inquiries concerning this decision should be directed  
to Petitions Attorney Cliff Congo at (703)305-0272.

*Beverly M. Flanagan*  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Christopher G. Trainor  
Dilworth & Barrese  
333 Earle Ovington Boulevard  
Uniondale, NY 11553